



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/849,746	09/05/97	LOHER	U LUDE14.313

HELFGOTT & KARAS
EMPIRE STATE BUILDING
SUITE 6024
NEW YORK NY 10118

IM31/0705

EXAMINER

STAICOVICI, S

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 07/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.
08/894,746

Applicant(s)

Urs Lohr et al.

Examiner
Stefan Stalcovici, Ph.D.

Art Unit
1732



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jun 8, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires six months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on June 8, 2001. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See attachment

4. ☐ Applicant's reply has overcome the following rejection(s):
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☐ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: NONE
- Claim(s) objected to: NONE
- Claim(s) rejected: 1-16
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
11. ☒ Other: See attachment.

Art Unit: 1732

ATTACHMENT TO ADVISORY ACTION

Amendment

1. The After-Final amendment filed June 8, 2001 (Paper No. 18) will not be entered since the proposed amendments raise new issues that would require further consideration and also, since the proposed amendments are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

Specifically, in claims 1 and 2, the insertion of "heating the *entire* blank " and "shaping the blank in the negative mold by virtue of the *entire blank flowing* from the heating stage into the negative mold" (emphasis added) are limitations that would require further consideration and a new search. Further, it should be noted that the limitation of the "*entire blank flowing* from the heating stage into the negative mold" (emphasis added) is unclear and would require a new rejection under 35 U.S.C. 112, 2nd paragraph. Specifically, it is unclear whether the "heated blank" is in a flowing state, i.e. molten state, or the "heated blank" is shaped in a negative mold after it has been heated.

Response to Remarks

2. Applicants' arguments filed June 8, 2001 (Paper No. 18) have been fully considered.

It should be noted that if the After-Final amendment filed June 8, 2001 (Paper No. 18) had been entered the rejection under 35 U.S.C. 112, 1st and 2nd paragraph would have been withdrawn. However, the objection to the specification under 35 U.S.C. 132 would have been maintained in part

Art Unit: 1732

and withdrawn in part. Applicants' amendment regarding "axial pressing" would have overcome in part the objection to the specification under 35 U.S.C. 132. However, as stated in the Final Rejection mailed December 15, 2001 (Paper No. 15) the replacement of the concept of "extrusion" with the broader concept of "processing" throughout the original disclosure does not appear to have support in the original disclosure, and as such the objection to the specification under 35 U.S.C. 132 would have been maintained in part. Applicant is required to cancel the new matter.

Applicants argue that the art of record does not teach or suggest, either alone or in combination, a process for manufacturing components made of fiber-reinforced thermoplastic materials, including "heating the *entire blank*" and "shaping the blank in a negative mold by virtue of the *entire blank flowing* from the heating stage into the negative mold" (emphasis added). However, this argument is drawn to newly presented claim limitations not previously presented. Accordingly, the limitations were not considered in light of the cited prior art throughout prosecution of the instant application. As shown above, the newly presented claim limitations raise new issues that would require further consideration and are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

Conclusion

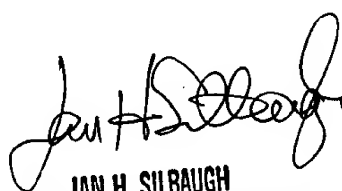
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (703) 305-0396. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM and alternate Fridays off.

Application/Control Number: 08/849,746


Art Unit: 1732

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh, can be reached at (703) 308-3829. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.


JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
ART UNIT 1732
07/05/01

July 3, 2001


Stefan Staicovici, PhD